

Rickard Warned Him To Be Mum, Janitor Swears

Herman Verch Says He Saw Promoter in Building Where Alleged Attacks on Children Were Made

Girl Confesses Crimes Nellie Gasko, One of the Accusers, Admits Theft and Forgery on Stand

The state rested its case against Tex Rickard yesterday afternoon after the janitor of 30 and 24 West Forty-seventh Street had testified that he had seen the defendant enter the building and that later Rickard had told him to "keep quiet."

Max Steuer, counsel for the boxing promoter, will begin this morning an attempt to convince the jury that Rickard is the victim of a conspiracy. The words "frame-up" were heard in the courtroom for the first time yesterday afternoon when Herman Verch, the janitor, testified that Rickard had said to him: "Some persons are going to get after me—a frame-up. If you see anything, keep quiet."

In the main, the testimony of Verch was valuable to the prosecution, as it served to corroborate the stories of Sarah Schoenfeld and Nellie Gasko to this extent: Rickard did visit the apartments where the girls were confined. These apartments, first 20 and after October 15 24 West Forty-seventh Street, were leased by Walter Field, an employee of Rickard. Verch testified to Assistant District Attorney Pecora, has been sought unsuccessfully since early in February by subpoena servers from the District Attorney's office. This information was placed in the record. As far as the girls are concerned, the failure to put Field on the stand is unexplained.

Verch was the fourth witness offered by the state. The other three were between him and Dr. W. Travis Gibb, of the Children's Society. The physician testified for the state concerning the physical condition of Sarah Schoenfeld. The effect of this was somewhat lost, however, by an admission by Sarah, brought from her by the skillful questions of Mr. Steuer, that she had an affair with a boy of her own age.

Stole From Relief Fund Bank

"Yes," said Nellie, and stole a sly look at the surprised faces confronting her in the jury box.

"What did you do with the money?" asked Mr. Steuer.

"I took some money out of a Jewish relief fund bank," said Nellie, and smiled faintly.

"Nellie, do you know Joseph Lewis?"

"Yes, sir."

"To you recall going to his office, leaving open his desk and stealing some postage stamps?"

"Yes. That was last year."

"Did you ever work for a Mrs. Schoolmaster, Nellie?"

The youthful witness's face was blank and she gazed at the ceiling as does a child in school when stumped by a teacher's question.

"Well, Nellie, do you remember working for a woman who lived in Sixty-ninth Avenue and Sixty-third Street?"

"Yes," Nellie nodded eagerly.

Then Mr. Steuer rounded Nellie that while she had worked there two

counts belonging to the Schoolmaster children had been stolen.

Wanted Money From Rickard

Nellie recalled the incident perfectly and reminded Mr. Steuer that the counts had been returned. She admitted having been arrested in May, 1921, at Coney Island by a policeman.

"I had spent all my money and was trying to get carfare," Nellie explained. Mr. Steuer brought out that the charge that time was begging. Then he attracted her attention to some checks. Nellie remembered them. She had stolen three checks issued by the Echo Cement Company and made out to Julius Berliner. Nellie identified as her own handwriting the endorsement "S. Hurley" on the reverse side of each of the checks. Two she cashed for \$30 each and the other for \$56. She presented them to the shopkeeper in the neighborhood of her home in Ocean Parkway, Brooklyn.

"Nellie," resumed Mr. Steuer, without glancing at his client, from whose face had disappeared some of the tense lines that have marked it, "Nellie, why did you take Sarah Schoenfeld to see Mr. Rickard?"

"I took Sarah over to Madison Square Garden to get money from Mr. Rickard for the shows."

"That's all, Nellie," said Mr. Steuer, and sat down.

Once during the cross-examination of the child her lips began to quiver, and Justice Wasservogel excused her for a time. That was when the Schoenfeld girl was called to tell about her affair with a boy. Nellie had said that Sarah had confessed some compromising details, which Nellie had no hesitation in repeating. Nellie denied with some heat that she had robbed a child's bank in a house she had entered.

Rickard Warned Him, Says Janitor

Verch, the janitor, testified that he knew Rickard and that he had first seen him about a year ago at Madison Square Garden. Field, an employee of Rickard, had given him seats to fights four or five times. These tickets, he said, were left at the box office for him.

"Ever see Rickard at 24 West Forty-seventh Street?" asked Mr. Pecora. "Three or four times."

"When was the last time?"

"Just before Christmas."

"Ever see Mr. Rickard use a key to get in?"

The witness shook his head negatively.

"Was Field away last fall over Saturdays and Sundays?"

"Yes. He goes away Saturdays and come back Mondays."

Verch described the furniture in the flat, as it was in No. 24 and after Field had moved to No. 20. His description corroborated that of the two girls.

"Did you see Mr. Rickard after reading about him in the newspapers?"

"Yes."

Then Verch told of having been sent for by Rickard, of having gone to Madison Square Garden, where Rickard had asked him what was going on "up at the flat."

"He asked me if I had seen him up there," said Verch. "I said 'Yes.' He said 'Keep quiet,' said 'All right.'"

Louisiana Opens Fight To Suppress the Klan

Governor Says Masked Knights Bring Courts Into Contempt; Seeks State Law

BATON ROUGE, La., March 23.—Governor Parker issued today an appeal to the law officers of Louisiana to suppress "with an iron hand the evil of Ku-Klux-Klan wherever it raises its head."

He said this action had been taken in view of the repeated complaints which have come to him from various sections of the state.

The Governor said that at the approaching session of the Legislature he would appeal to that body to enact a law "making it a felony for any man to hide behind a mask to drag the good name of this state in the mire and bring contempt for law and civilization."

Governor Parker's statement added: "The idea that any set of men may, with impunity, disregard the authority of the courts and set law at defiance in order to correct some evil or punish some evil doers secretly, and generally under cover of darkness, is absolutely foreign to proper conceptions of democratic government, which seeks to establish unity for the common good."

"There is no such thing as popular justice. It is popular injustice, because it brings law into contempt, leads to class distinction and racial hatred, and makes judges and juries mere figureheads."

'Mentally Tortured' Girl Dies in Leap From Times Tower

"How Did I Ever Get Courage?" She Gasps While Dying in Hospital; Will Give Effects to Chums

Mystery shrouds the motive that prompted Esther Davidson, an attractive woman of thirty, to leap from a window on the twenty-third floor of the Times Building yesterday. Letters left by Miss Davidson show that her act was deliberate and due to "mental torture," but what the trouble was detectives assigned to the case have been unable to discover.

Miss Davidson, whose home is at 8648 Twenty-third Avenue, Brooklyn, towered from a window of the tall building, overlooking the main structure and landed on the roof of the latter five stories below. She was still alive when found by Patrick O'Neill, tower electrician or operator, but died soon after being admitted to Bellevue Hospital.

The young woman's fall was arrested by a wire grating over the skylight of an elevator serving the main building. She landed on the elevator man's question, but became unconscious after speaking a few words. Rattling at the hospital, she said, when asked what had happened:

"How did I ever get the courage to jump?"

Five minutes later she again became insensible and died without another lucid interval. In a handbag attached to the girl's wrist was a will she had written on a sheet of ruled note paper, which read:

"In case anything happens to me, I wish the following bequests to be made: \$25 to Becky Kaplan, 8645 Twenty-third Avenue, Brooklyn; \$25 to Rebecca Fromowitz, 507 Bristol Street, Brooklyn, and all the rest of my effects and cash to my sister, Elsie Davidson, 8647 Twenty-third Avenue, Brooklyn. My three handbooks are in my suitcase in the Roth Memory Course books." On the back of the sheet was written: "May God forgive me for what I am about to do. The mental tortures I have gone through for the last two months are unbearable." Also in the handbag were \$20 in cash and five hundred tickets.

Miss Davidson had been employed as stenographer by Gidden & Gidden, attorneys at 1133 Broadway. She had just returned from a two weeks' vacation.

Taxicab Owner Enjoined From Imitating Rival

Temporary Order Forbids Attempt to Mislead Public; Important in Trademark Cases

A temporary injunction restraining the use by competitors of the distinctive design and coloring of the taxicabs of the American Yellow Taxicab Operators, Inc., was granted yesterday by Justice Newburger in the Supreme Court, in a decision characterized by lawyers as being of far-reaching importance in trademark cases.

The application for an injunction was directed primarily against Thomas Hargis, owner of two taxicabs of similar design and color scheme to those used by the Yellow Taxicab Operators.

"I know of no clearer case of attempting to mislead the public, as the defendant admits he has done," commented Justice Newburger in rendering the decision. "His statement that he purchased the cars from some one who said he had a right to use them is no excuse, and the motion for an injunction must be granted."

According to the terms of the injunction the defendant is enjoined and restrained from "using or employing or operating for hire taxicabs designed or painted or colored in imitation of or colorable simulation of the plaintiff's taxicabs, and further from adopting, using or employing on taxicabs any names, devices, finish, color, get-up, style, or dress, calculated to confuse or be mistaken for taxicabs of the plaintiff."

Woman Charged With Alienation Surrenders Miss Tilghman Freed in \$1,000 Bail in Mrs. Silver's \$25,000 Damage Suit

Miss Frances C. Tilghman, of 30 Perry Street, surrendered yesterday to Sheriff Nagle under an order of arrest issued in the Brooklyn Supreme Court in an action for \$25,000 damages brought by Mrs. Bertha de Young Silver, who alleges that Miss Tilghman alienated the affections of her husband, Henry Clay Silver, a broker. Miss Tilghman, who is in the multigraphing business and also is a real estate secretary, was released on \$1,000 bail.

Mrs. Silver is suing her husband for a divorce. Miss Tilghman was called by Mrs. Silver as a witness before trial in that case but she refused to answer any of the questions asked her, claiming her constitutional privilege. The questions asked Miss Tilghman were about a trip to Europe made by Mr. Silver and as to whether she met him there, whether they were together at Atlantic City and whether they lived together at 20 Perry Street. Although Miss Tilghman refused to answer these questions, she made a signed statement containing a complete denial of Mrs. Silver's charges.

Walking Jewelry Store Arrested on Smuggling Charge

Brazilian Rubber Merchant Seized Trying to Dispose of \$60,000 in Gems on Which No Duty Was Paid

Francisco Chamie, a rubber merchant of Para, Brazil, was arraigned yesterday before United States Commissioner Barmore in Brooklyn charged with smuggling into this country diamonds and jewelry valued at \$60,000. He was held in \$5,000 bail for examination April 6.

Chamie arrived here from Rio de Janeiro on March 8, on the steamship Pocophone, which docked at Pier 5, Bush Docks, Brooklyn. In his declaration he mentioned among other nontaxable articles a bar of silver valued at \$80. He did not, however, according to the complaint lodged against him, indicate that he was a traveling jewelry store, as is now alleged.

He left the pier and went to an address in Schermerhorn Street, Brooklyn, where he stayed. He was arrested in a jewelry store on Twenty-third Street, between Sixth and Seventh avenues, where he is said to have tried to dispose of three diamond rings. He was searched. Eight envelopes filled with set stones were found in his pockets. A number of unset diamonds were found tucked inside the sweatband of his hat.

A jeweler appraised the stuff. He said that in all there were between 225 and 240 karats, worth \$250 a karat. There were fifteen diamond rings, two diamond ear-rings, four loose diamonds, one diamond brooch set in gold, one diamond unbraced, and one platinum brooch set with pearls.

During the arraignment Chamie challenged the valuation of the jewelry as announced by Assistant United States Attorney John Eno, and said that he would have taken \$10,000 for the lot.

Saves Life and Pays Fine

Patrolman O'Connor, who yanked William Bishop almost from beneath the hoofs of the latter's runaway team Wednesday and then locked him up on a charge of intoxication, paid Bishop's \$2 fine yesterday in Long Island City police court when the prisoner said he had no money.

"He's got a family who need his support," said O'Connor.

O'Connor was on patrol in a department automobile on Grand Avenue, Astoria, Wednesday, when he saw Bishop's team coming down Academy Street on a keen run, heading for a group of children outside Public School 10.

The patrolman flung himself at a horse's head and brought the runaway to a stop, after which he discovered the driver, twisting head-down across the dashboard. Bishop lives at 1620 Van Alst Avenue, Long Island City.

Probst Had Mania For Love Making, Says Mrs. Mellon

Ridicules "Blighted Romance" of Butler and Asserts He Tried to Woo All the Women at the Club

SAN FRANCISCO, March 23.—August Probst, former butler at the exclusive Rolling Rock Club, near Pittsburgh, who charged that he was the victim of a deportation conspiracy because a young heiress lost her heart to him, "always wanted to make love to every woman at the club," according to Mrs. Richard B. Mellon, who arrived in San Francisco yesterday.

Mrs. Mellon, wife of a Pittsburgh financier and sister-in-law to the Secretary of the Treasury, pool-poached Probst's assertion that she had advised him to return to Switzerland on account of the romance said to have existed between the young butler and Miss Virginia C. McKay, Pittsburgh heiress.

Mrs. Mellon today said Probst's story was "silly, trivial and ridiculous." "I have no recollection of ever speaking to Probst except as a servant who occasionally waited on us at the club," said Mrs. Mellon. "Of course, I knew him, as did all members of the club. The story is ridiculous on the face of it. I know that my daughter was not mixed up in it and I am certain that Miss McKay is absolutely blameless."

Mrs. Mellon's daughter, Miss Sara C. Mellon, was said by Probst to have enjoyed the confidence of Miss McKay in regard to the affection the butler had existed between the heiress and himself.

According to Probst's story, he was kidnapped by detectives when the romance became known, shipped to New York and held there until he promised to go back to Switzerland.

August Probst, who is fighting deportation by charging a millionaire plot to railroad him out of the country, was removed from the insane ward on Ellis Island yesterday in accordance with the request made by Judge John C. Knox at the habeas corpus hearing in the Federal District Court Tuesday. Assistant Immigration Commissioner Byrd announced a board of special inquiry composed of three immigration inspectors was to be appointed to pass upon Probst's qualifications for continued residence in this country.

The butler entered the United States without examination by deserting from the steward's department of the Olympic last June, and as a deserting seaman asserts the right to a hearing before a board rather than before a single inspector, under Section 21 of the immigration act.

Selfridge Says Dry Law Can't Be Enforced Here

British Merchant Declares It Is Too Big a Job; All Right in Small Towns

Prohibition is too big a job for a great city to handle, in the opinion of Harry Gordon Selfridge, proprietor of the American Department Store in Oxford Street, London, who is stopping at the Hilton for a few days before leaving on a visit to California. Mr. Selfridge, who was formerly a partner in Marshall Field & Co., Chicago, arrived Wednesday from London.

"Prohibition seems to be working all

right in the country and in the smaller communities," Mr. Selfridge said, "but in great cities like New York, it seems to be too big a job for the authorities to handle."

The merchant said that England was getting along as rapidly as could be expected, with the leisure class carrying a heavy load of taxation, and the workingman not yet readjusted to the peace-time requirements of a full day's work for a day's pay.

While there were no precedents or comparisons for the great war and its world-wide after effects, Mr. Selfridge thought that the British were accepting conditions in the best possible spirit.

"Business in London is generally pretty good," he said, "but the fact remains that the buying public have not got the money. Taxes are very high, expenses are very high and employment is not easily found. The leisure class, those who have been living upon incomes and have not been making money, find the taxes heavy. As a result, they are much inclined to economize."

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